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10/800,580	03/15/2004	Kenji Inoue	KIN99USA	1657

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EXAMINER

COLE, ELIZABETH M

ART UNIT	PAPER NUMBER
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1771

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
2 MONTHS	02/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



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GROUP 1700

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/800,580
Filing Date: March 15, 2004
Appellant(s): INOUE, KENJI

George A. Smith, Jr.
For Appellant

**SUPPLEMENTAL
EXAMINER'S ANSWER**

This is in response to the appeal brief filed October 24, 2006 appealing from the Office action mailed March 7, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct. It is noted that the Summary of Claimed Subject Matter does not refer to the claims by number, but clearly maps independent claim 1 in the first full paragraph on page 3 of the Brief and dependent claim 2 in the second full paragraph on page 3 of the Brief.

(6) Grounds of Rejection to be Reviewed on Appeal

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner.

The 112 2nd paragraph rejection is withdrawn since the amendment after final amended the claims to overcome the 112 2nd paragraph rejection. The amendment was entered and therefore this rejection is withdrawn.

Upon further consideration, the rejection under 35 USC 103(c) over JP 2001-089990 in view of Westerkamp of claim 1 is withdrawn and a new grounds of rejection of claim 1 as being anticipated by JP 2001-089990 is set forth below.

NEW GROUND(S) OF REJECTION

A new grounds of rejection is set forth below, rejecting claim 1 as anticipated by JP 2001-089990.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2001-89990

Inoue

4-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 2001-89990.

JP '990 discloses a wet paper transfer belt comprising an elastomer layer and a nonwoven layer wherein at least a portion of the nonwoven layer is exposed on the wet paper side of the wet paper transfer belt. See paragraph 0012. Either the elastomer layer or the nonwoven fiber layer can be hydrophobic. See paragraph 0018. When the

elastomer is hydrophobic, the nonwoven layer is hydrophilic relative to the elastomer layer, so that the wet paper surface comprises the hydrophobic elastomer portions and the hydrophilic fiber portions. See example 3, where the elastomer resin comprises a silicone oil in order to render the elastomer hydrophobic and a nylon fiber layer which is hydrophilic relative to the hydrophobic elastomer, as well as paragraph 0020, which states that the wet paper web surface is between 10-90% hydrophobic. Page 6, paragraph 0027 of the instant specification teaches that nylon is a suitable material for forming the hydrophilic fiber. Thus, JP '990 teaches a wet paper transfer belt for use in the press part of a closed draw papermaking machine comprising a wet paper side layer wherein the wet paper side layer comprises an elastomer and a fiber body, at least a portion of the fiber layer is exposed on the surface of the elastomer layer, and the fiber layer may be a hydrophilic material such as nylon when the elastomer is hydrophobic, as shown, for example, in example 3 of JP '990.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2001-89990 in view of Westerkamp.

JP '990 discloses a wet paper transfer belt as set forth above. JP '990 teaches that when the elastomer is a hydrophobic material that hydrophilic fiber such as nylon fibers are employed to form the wet paper side layer. JP '990 differs from the claimed invention because JP '990 does not teach applying a hydrophilic treatment to the surface of the exposed part of the fibers, but instead teaches employing inherently hydrophilic fibers such as nylon. Westerkamp teaches at paragraph 0029 that the upper fibrous layer of a papermaking belt can be rendered hydrophilic by applying a

Art Unit: 1771

hydrophilic coating to the fibers. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied a hydrophilic treatment to the fibers of JP '990 as taught by Westerkamp in order to render the fibers hydrophilic. One of ordinary skill in the art would have been motivated to apply a hydrophilic treatment to the exposed fibers by the teaching of Westerkamp that applying a hydrophilic treatment was an alternative, art-recognized way of rendering the fibrous upper portions of a wet paper transfer belt hydrophilic, rather than using inherently hydrophilic fibers as taught by JP '990.

(10) Response to Argument

Appellant's arguments regarding the 112 2nd paragraph rejection and the rejection of claim 1 as obvious over the combination of JP '990 and Westerkamp have been considered but these rejections have been withdrawn as set forth above and a new rejection has been set forth with regard to claim 1.

With regard to claim 1, Appellant argues that JP '990 does not anticipate claim 1, because JP '990 only requires that the wet paper side layer have hydrophobic areas, but does not explicitly state that the other areas are hydrophilic. However, the instant specification teaches at page 6, paragraph 0026, that nylon fibers are considered to be hydrophilic fibers for purposes of the invention. Additionally, it is noted that hydrophobic and hydrophilic are relative terms and the nylon fibers shown in example 3 of JP '990 are hydrophilic relative to the elastomer which has been treated with a silicone oil additive to render it hydrophobic. Therefore, the non-hydrophobic areas of JP '990 correspond to the claimed hydrophilic portions.

Art Unit: 1771

With regard to claim 2, Appellant does not advance separate arguments.

However, with regard to claim 1, Appellant has argued that Westerkamp discloses coating the entire fiber surface with the hydrophilic material in order to form a uniformly hydrophilic surface, while JP '990 teaches that the wet paper layer surface must have areas which are hydrophobic and areas which are not hydrophobic and that to apply a uniform coating to the wet paper layer surface of JP '990 would destroy the essential feature of non-uniformity of the wet paper layer surface which is taught by JP '990.

However, Westerkamp does teach that the fibers at the upper surface of the wet paper side of a press belt can be treated in order to render them hydrophilic. JP '990 already teaches employing inherently hydrophilic fibers such as nylon. Therefore, to combine the teachings of Westerkamp and JP '990 would not destroy the feature of non-uniformity of the press belt of JP '990, but would instead provide a teaching of an alternative method of forming the hydrophilic areas in the belt of JP '990 by applying a coating treatment to the fibers used, instead of using inherently hydrophilic fibers.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

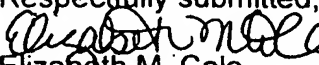
For the above reasons, it is believed that the rejections should be sustained.

This examiner's answer contains a new ground of rejection set forth in section (9) above. Accordingly, appellant must within **TWO MONTHS** from the date of this answer exercise one of the following two options to avoid *sua sponte* **dismissal of the appeal** as to the claims subject to the new ground of rejection:

(1) **Reopen prosecution.** Request that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other evidence. Any amendment, affidavit or other evidence must be relevant to the new grounds of rejection. A request that complies with 37 CFR 41.39(b)(1) will be entered and considered. Any request that prosecution be reopened will be treated as a request to withdraw the appeal.

(2) **Maintain appeal.** Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

Respectfully submitted,

Elizabeth M. Cole

A Technology Center Director or designee must personally approve the new ground(s) of rejection set forth in section (9) above by signing below:


GREGORY MILLS
QUALITY ASSURANCE SPECIALIST

Conferees:

Terrel Morris 


JENNIFER MICHENER
QUALITY ASSURANCE SPECIALIST

Jennifer Michener